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EXAMINER

SHAW, PELING ANDY

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,621

Applicant(s)

HORVITZ ET AL.

Examiner

Peling A. Shaw

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. This application claims benefit of 60/255,016 12/12/2000. The filing date is 12/12/2001.

Claim Rejections – 35 USC § 112, 2nd Paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- a. Claim 13 recites the limitation of "the amount of messages sent to the device" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.
- b. For the purpose of applying art, claim 13 is read as "The system of claim 6
...".

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 23-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34-44 and 52-54 of copending Application No. 10/220,550. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between the two pending applications are minor wording, which do not change the scope of the invention. Refer to the below observation for obvious variations of limitation in claims 23-36 of the instant application and claims of the pending application 34-44 and 52-54.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Instant Application 10/021,621	Pending Application 10/220,550
23. A method associated with message delivery, comprising: generating a priority associated with a message; determining an expected loss of non-review of the message at a current time based on the priority; determining an expected cost of outputting the message at the current time; and alerting a user of the message in response to determining that the expected loss is greater than the expected cost.	34. A method operable on a text, comprising: generating a priority associated with a text; determining an expected loss of non-review of the text at a current time based on the priority; determining an expected cost of outputting the text at the current time; and alerting a user of the text in response to determining that the expected loss is greater than the expected cost.

24. The method of claim 23, the expected loss of non-review comprises determining a likelihood that the user will review message text at a future time.	35. The method of claim 34, wherein determining the expected loss of non-review comprises determining a likelihood that the user will review the text at a future time.
25. The method of claim 23, the expected loss of non-review comprises determining a current expected rate of lost opportunity for the user resulting from non-review of the message as a function of time.	36. The method of claim 34, wherein determining the expected loss of non-review comprises determining a current expected rate of lost opportunity for the user resulting from non-review of the text as a function of time.
26. The method of claim 23, wherein the priority is generated by a classifier configured as at least one of a Bayesian classifier and a support-vector machine classifier.	37. The method of claim 34, wherein the priority is generated by a classifier configured as at least one of a Bayesian classifier and a support-vector machine classifier.
27. The method of claim 23, further comprising providing a current profile selected from one of a plurality of profiles, at least a portion of the plurality of profiles editable by the user to reflect a different context.	38. The method of claim 34, further comprising providing a current profile selected from one of a plurality of profiles, at least a portion of the plurality of profiles editable by the user to reflect a different context.
28. The method of claim 27, the plurality of profiles is schedulable on a per-day and by-time basis.	39. The method of claim 38, wherein each of the plurality of profiles is schedulable on a per-day and by-time basis.
29. The method of claim 28, the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality in conjunction with one or more other messages.	40. The method of claim 38, wherein the plurality of profiles provides a chunk setting such that the text is delivered to a communications modality in conjunction with one or more other texts.
30. The method of claim 28, the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality when a specified period has expired.	41. The method of claim 38, wherein the plurality of profiles provides a chunk setting such that the text is delivered a communications modality when a specified period has expired.
31. The method of claim 23, further comprising, prior to alerting the user, formatting the message.	42. The method of claim 34, further comprising, prior to alerting the user, formatting the text.
32. The method of claim 31, the formatting comprises compressing the message.	43. The method of claim 42, wherein formatting the text comprises compressing the text.

33. The method of claim 31, the formatting comprises fragmenting the message.	44. The method of claim 42, wherein formatting the text comprises fragmenting the text.
23. A method associated with message delivery, comprising: generating a priority associated with a message; determining an expected loss of non-review of the message at a current time based on the priority; determining an expected cost of outputting the message at the current time; and alerting a user of the message in response to determining that the expected loss is greater than the expected cost. 34. The method of claim 23, further comprising determining an expected criticality for the prioritized messages.	52. A priorities system, comprising: a classifier to prioritize messages (abstract); and a message subsystem to process the prioritized messages; wherein at least one of the classifier and the message subsystem determine an expected criticality for the prioritized messages.
35. The method of claim 34, wherein the expected criticality (EC) is expressed as: $EC = \sum_i C^d(H_i) p(H_i E^d)$ wherein C is a cost function that relates to a cost rate at which cost is accrued, d is a delay, E is an event, and H is a criticality class.	53. The system of claim 52, wherein the expected criticality (EC) is expressed as $EC = \sum_i C^d(H_i) p(H_i E^d)$ wherein C is a cost function, d is a delay, E is an event, and H is a criticality class.
36. The method of claim 34, wherein the expected criticality is expressed as a function of time.	54. The system of claim 52, wherein the expected criticality is expressed as a function of time.

Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-5, 9-10, 19, 22 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith.

- a. Regarding claim 1, Smith disclosed a user interface to manage electronic messages, comprising: a display providing one or more display objects associated with delivery of one or more messages, the messages being automatically classified according to a respective priority value; and one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user (Figs. 4 and 20-22; column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles).
- b. Regarding claim 2, Smith disclosed the system of claim 1, the one or more display objects including one or more profiles that relate to a time and manner

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of delivery of the one or more messages (column 6, line 21-23: Upon selection of profile manager 162, the user chooses 172 to create a profile 174 for each priority; column 6, line 31-33: Upon selection of schedule manager 164, the user chooses 178 to add a new schedule 180 by assigning profiles previously created to date formulas; column 6: line 13-15: Upon selection of device manager 160, the user chooses 166 to add and configure new devices 168 for receipt of messaging information sent by the system 10).

- c. Regarding claim 4, Smith disclosed the system of claim 2, the one or more profiles are associated with one or more delivery options for sending the messages to a device (column 6: line 13-15: Upon selection of device manager 160, the user chooses 166 to add and configure new devices 168 for receipt of messaging information sent by the system 10).
- d. Regarding claim 5, Smith disclosed the system of claim 4, the one or more delivery options including at least one of send messages to a mobile device (column 6: line 15-17: These include multiple e-mail, voicemail, fax, pager, telephone and wireless communication devices), send messages from a folder associated with the mobile device (column 6, line 48-52: The media folders process the appropriate communications through the media translator 192, creating new message formats and addresses based on the recipient information received and messaging devices to which the messages are destined), enable prioritized delivery (column 6, line 5-7: The user defines

message delivery methods according to the message priority, device security and time schedule).

- e. Regarding claim 9, Smith disclosed the system of claim 2, the one or more profiles including at least one of a calendar and time setting associated with the one or more display objects (column 9, line 18-20: Finally, the recipient selects the "schedules" tab so that the recipient can assign the various profiles to dates and times).
- f. Regarding claim 10, Smith disclosed the system of claim 2, the one or more profiles are associated with at least one of work, home, out of office and do not disturb (column 6, line 24-26: The profile designates locations such as work, home, vacation, travel office, travel accommodations and other user preferences).
- g. Regarding claim 19, Smith disclosed the system of claim 1, further comprising one or more device options relating to how messages are displayed on a device (column 6, line 42-44).
- h. Regarding claim 22, Smith disclosed the system of claim 19, the one or more device options further comprising configuring display information relating to a sender of the messages (column 2, line 28-35).
- i. Regarding claim 40, Smith disclosed a user interface to manage electronic messages, comprising: means for providing graphical displays associated with one or more messages that have been automatically classified according to a priority of the respective messages; and means for configuring the

graphical displays according to one or more user preferences associated with the priority and delivery of the one or more messages (Figs. 4, 20-22; column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles).

Smith disclosed all limitations of claims 1-2, 4-5, 9-10, 19, 22 and 40. Claims 1-2, 4-5, 9-10, 19, 22 and 40 are rejected under 35 U.S.C. 102(e).

5. Claims 23-26 and 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages), hereinafter referred as Losee.

- a. Regarding claim 23, Losee disclosed a method associated with message delivery, comprising: generating a priority associated with a message (abstract); determining an expected loss of non-review of the message at a current time based on the priority; determining an expected cost of outputting the message at the current time; and alerting a user of the message in response to determining that the expected loss is greater than the expected cost (page 181, left column, last paragraph-page 181, right column, first paragraph).
- b. Regarding claim 24, Losee disclosed the method of claim 23, the expected loss of non-review comprises determining a likelihood that the user will review message text at a future time (page 181, left column, last paragraph-page 181, right column, 1st paragraph).

- c. Regarding claim 25, Losee disclosed the method of claim 23, the expected loss of non-review comprises determining a current expected rate of lost opportunity for the user resulting from non-review of the message as a function of time (page 181, left column, last paragraph-page 181, right column, first paragraph).
- d. Regarding claim 26, Losee disclosed the method of claim 23, wherein the priority is generated by a classifier configured as at least one of a Bayesian classifier and a support-vector machine classifier (page 182, left column, 2nd and 3rd paragraphs).
- e. Regarding claim 34, Losee disclosed the method of claim 23, further comprising determining an expected criticality for the prioritized messages (page 181, left column, last paragraph-page 181, right column, first paragraph).
- f. Regarding claim 35, Losee disclosed the method of claim 34, wherein the expected criticality (EC) is expressed as:

$$EC = \sum_i C^d(H_i) p(H_i | E^d)$$

- wherein C is a cost function that relates to a cost rate at which cost is accrued, d is a delay, E is an event, and H is a criticality class (page 181, left column, last paragraph-page 181, right column, first paragraph).
- g. Regarding claim 36, Losee disclosed the method of claim 34, wherein the expected criticality is expressed as a function of time (page 181, left column, last paragraph-page 181, right column, first paragraph).

- h. Regarding claim 37, Losee disclosed the method of claim 36, an expected loss is expressed as at least one of:

$$EL = \sum_i^n p(\text{critical}_i) C(\text{critical}_i) t; \text{ and}$$

$$EL = \int_0^t p(\text{critical}_i) C(\text{critical}_i, t) dt$$

wherein EL is an expected loss, $p(\text{critical}_i)$ is a probability that a message has criticality i , $C(\text{critical}_i)$ is a cost function for the message having the criticality i , n is a total number of criticality classes minus one, and t is the time delay before reviewing the message (page 181, left column, last paragraph-page 181, right column, first paragraph).

- i. Regarding claim 38, Losee disclosed the method of claim 37, the expected loss is expressed as at least one of:

$$EL' = \sum_j p(t_j|E) \sum_i^n p(\text{critical}_i) C(\text{critical}_i) t_j; \text{ and}$$

$$EL' = \sum_j p(t_j|E) \int_0^{t_j} p(\text{critical}_i) C(\text{critical}_i, t) dt$$

wherein EL is an uncertainty in time of delay, E represents one or more observations about a user state, and i and j are indexes, i and j being integers (page 181, left column, last paragraph-page 181, right column, first paragraph).

- j. Regarding claim 39, Losee disclosed the method of claim 38, E is at least one of a calendar, a room acoustic, a desktop activity, a time since last touched an active device (page 181, right column, section 4, first paragraph: schedule, feature).

Losee disclosed all limitations of claims 23-26 and 34-39. Claims 23-26 and 34-39 are rejected under 35 U.S.C. 102(b).

6. Claims 41-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Juha Takkinen (CAFE: A Conceptual Model for Managing Information in Electronic Mail), hereinafter referred as Takkinen.

- a. Regarding claim 41, Takkinen disclosed a method for delivering messages to a device, comprising: scheduling a period when one or more user profiles are activated (page 47, section 3: CAFE, busy, cool and curious modes); configuring at least one set of parameters for the one or more profiles (page 47, right column, line 41-45; page 52, section 6, 1st paragraph); assigning priority values to one or more messages (page 48, left column, 2nd paragraph: busy mode); and delivering the one or more messages based at least in part on the priority values, the profile that is activated, and the at least one set of parameters (page 47, section 3: CAFE, busy, cool and curious modes).
- b. Regarding claim 42, Takkinen disclosed the method of claim 41, further comprising assigning at least one of a color and a sound to indicate the priority of the messages (page 45, section 2.2; page 46, section 2.3).
- c. Regarding claim 43, Takkinen disclosed the method of claim 41, further comprising deferring messages until a more convenient time established by the user (page 52, section 6, 1st paragraph: calendar).
- d. Regarding claim 44, Takkinen disclosed the method of claim 41, further comprising providing status information relating to why a message is of a

determined priority (page 48, left column, 2nd and 4th paragraphs: busy and curious modes).

- e. Regarding claim 45, Takkinen disclosed the method of claim 41, further comprising observing a previous history of activity and providing feedback as to a message delivery volume based upon the history (page 48, left column, 2nd and 4th paragraphs: curious modes; page 51, section 5, 3rd paragraph).
- f. Regarding claim 46, Takkinen disclosed the method of claim 41, further comprising employing an information agent to consider restrictions from other parties before delivering the one or more messages (page 47, left column, line 20-24).
- g. Regarding claim 47, Takkinen disclosed the method of claim 41, further comprising activating one or more rules that operate to influence when messages are sent to a user (page 47, left column, 3rd and 6th paragraphs, page 50, section 41, 1st paragraph, page 51, section 5, 3rd paragraph).
- h. Regarding claim 48, Takkinen disclosed the method of claim 47, the one or more rules include an if and then construct such that if an event occurs then a message is automatically assigned a predetermined priority (page 47, left column, 6th paragraphs: groupware, group schedule).
- i. Regarding claim 49, Takkinen disclosed the method of claim 47, the one or more rules include an if and then construct such that if an event occurs then a priority value of a learning process is disclosed (page 46, left column, 1st

paragraph; page 49, left column, last paragraph-right column, 1st and 2nd paragraph; page 51, left column, section 5, 3rd paragraph).

- j. Regarding claim 50, Takkinen disclosed the method of claim 41, the one or more rules include an if and then construct such that if a message is received from a selected communications channel, then a message is automatically assigned a predetermined priority (page 47, left column, 6th and last paragraphs: route, print, and phone message; page 51, left column, 2nd paragraph: voice).
- k. Regarding claim 51, Takkinen disclosed the method of claim 41, further comprising automatically reviewing messages by an order determined by the priority value (page 47, left column, 2nd, 6th and last paragraphs).

Takkinen disclosed all limitations of claims 41-51. Claims 41-51 are rejected under 35 U.S.C. 102(b).

- 7. Claims 55-64, 66-71 and 74-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Jonathan Isaac Abu-Hakima (US 6499021 B1), hereinafter referred as Abu-Hakima.

- a. Regarding claim 55, Abu-Hakima disclosed a user interface for an adaptive prioritization and routing system, comprising: one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system (column 8, line 36-48; column 9, line 15-39); and a user interface associated with the one or more controls and displays that facilitates

inspection, control and learning associated with alerting and routing prioritized messages (column 9, line 15-39; column 11, line 19-25).

- b. Regarding claim 56, Abu-Hakima disclosed the user interface of claim 55, further comprising a plurality of parameters that are configured in conjunction with various configuration and adjustment options to facilitate personalization of the user interface (column 8, line 36-48; column 9, line 15-39).
- c. Regarding claim 57, Abu-Hakima disclosed the user interface of claim 56, the personalization includes at least one of employing explicit and implicit user feedback relating to how messages are classified and subsequently provided to the user (column 8, line 49-56).
- d. Regarding claim 58, Abu-Hakima disclosed the user interface of claim 57, the feedback is employed to guide learning and decision policies in the adaptive prioritization and routing system (column 11, line 19-25).
- e. Regarding claim 59, Abu-Hakima disclosed the user interface of claim 57, the feedback includes dialog that is provided to users to further refine at least one of learning and decision policies in the adaptive prioritization and routing system (column 11, line 19-25).
- f. Regarding claim 60, Abu-Hakima disclosed the user interface of claim 57, the explicit feedback includes such actions as configuring the user interface to consider a selection of messages as being more important than another selection of messages and altering learning about how decisions are made regarding message urgency (column 4, line 14-26; column 11, line 19-25).

- g. Regarding claim 61, Abu-Hakima disclosed the user interface of claim 57, the implicit feedback includes monitoring various context aspects of the user to determine message importance (column 10, line 41-47).
- h. Regarding claim 62, Abu-Hakima disclosed the user interface of claim 61, the implicit feedback includes at least one of monitoring sounds, keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened and deleted, and whether messages are saved, copied and forwarded (column 6, line 38-41; column 10, line 50-63; column 10, line 24-30).
- i. Regarding claim 63, Abu-Hakima disclosed the user interface of claim 57, the feedback includes directing messages to the user regarding learning decisions such as at least one of "You are about to delete messages that have not yet been employed in the learning process," and messages relating to how and why messages were classified a certain priority (column 10, line 24-40; column 11, line 19-25).
- j. Regarding claim 64, Abu-Hakima disclosed the user interface of claim 55, further comprising one or more configuration and adjustment options that include at least one of profile options, routing options, alerting options, chunking options, schedule options, and context-sensitive control options (column 8, line 36-48).
- k. Regarding claim 66, Abu-Hakima disclosed the user interface of claim 55, further comprising one or more rules that act in conjunction with a routing

system, learning status and configuration options for guiding and inspecting the state of learning of a message urgency system (column 5, line 35-57).

- l. Regarding claim 67, Abu-Hakima disclosed the user interface of claim 66, the one or more rules including conditions that are applied in at least one of a disjunctive and a conjunctive manner (column 5, line 35-57).
- m. Regarding claim 68, Abu-Hakima disclosed the user interface of claim 55, further comprising one or more device option configurations for controlling message output to a selected message reception and display device (column 8, line 36-48; page 9, line 39-65).
- n. Regarding claim 69, Abu-Hakima disclosed the user interface of claim 55, further comprising prioritized messages having acoustical properties including at least one of prosodic features, temporal patterns of rate, pitch, inflections, and an overall energy associated with voice messages (column 9, line 40-65).
- o. Regarding claim 70, Abu-Hakima disclosed the user interface of claim 55, further comprising a priority threshold adjustment that facilitates control of how many messages are sent to a users device (column 8, line 36-48).
- p. Regarding claim 71, Abu-Hakima disclosed the user interface of claim 70, further comprising an overlay adjustment that limits the number of messages sent to the users device per a given timeframe (column 8, line 36-48).
- q. Regarding claim 74, Abu-Hakima disclosed the user interface of claim 55, further comprising one or more deferral policies that are given as bounds such that a message of a particular urgency will not wait more than at least

one of a predetermined and dynamically computed upper limit of time (page 7, line 25-64).

- r. Regarding claim 75, Abu-Hakima disclosed the user interface of claim 74, the policies are at least in part based on a function of the message urgency (page 7, line 25-64).
- s. Regarding claim 76, Abu-Hakima disclosed the user interface of claim 75, a user specifies at least one of that a message of high urgency should be transmitted with an alert to one or more active devices as soon as possible and to be available for review if the user happens to inspect messages that are waiting (page 7, line 25-64).
- t. Regarding claim 77, Abu-Hakima disclosed the user interface of claim 76, further comprising a policy that if the user is more than a specified level of non-interruptability and the message has not been observed, then wait a predetermined time before alerting the user (page 7, line 25-58).
- u. Regarding claim 78, Abu-Hakima disclosed a user interface for an adaptive prioritization and routing system, comprising: one or more controls and displays to acquire message priority settings associated with the adaptive prioritization and routing system (column 8, line 36-48; column 9, line 15-39); and a user interface associated with the one or more controls and displays that provides at least one of an adjustable control of an amount of messages received via the message priority settings and a feedback directed to the user

relating to the settings (column 8, line 36-48; column 9, line 15-39; column 11, line 19-25).

- v. Regarding claim 79, Abu-Hakima disclosed the user interface of claim 78, the feedback includes at least one of a quantity of alerts and messages that would have been transmitted to the user per at least one of a time and within a specified bound in time (page 7, line 25-64; column 9, line 15-39; column 11, line 19-25).
- w. Regarding claim 80, Abu-Hakima disclosed the user interface of claim 79, further comprising monitoring user actions for each of several different routing parameters based upon a threshold on importance required to send a message beyond the parameters that were employed (column 10, line 13-23).
- x. Regarding claim 81, Abu-Hakima disclosed the user interface of claim 79, further comprising a user display including at least one of what would have happened had the settings been changed, and a display for a set of thresholds along a continual scale thresholds (column 8, line 36-48; column 9, line 15-39).
- y. Regarding claim 82, Abu-Hakima disclosed the user interface of claim 81, the feedback further comprising previously tracked numbers of messages that would have been received at different simulated values of the threshold (column 10, line 41-63).
- z. Regarding claim 83, Abu-Hakima disclosed the user interface of claim 82, further comprising providing feedback over at least one of a day, week, and

month that is displayed at respective settings so as to be reviewed by users as guides to roughly predict future behavior of the adaptive prioritization and routing system for potential settings of the threshold (column 8, line 49-56).

aa. Regarding claim 84, Abu-Hakima disclosed the user interface of claim 82, further comprising employing recent history as a predictor of the future (column 10, line 41-63).

bb. Regarding claim 85, Abu-Hakima disclosed the user interface of claim 82, further comprising advanced simulations that are employed to perform "what-if" analyses for at least one of different settings, parameters and policies, such that new settings can be based on an expected number of alerts per given timeframe at different settings (column 8, line 49-56).

Abu-Hakima disclosed all limitations of claims 55-64, 66-71 and 74-85. Claims 55-64, 66-71 and 74-85 are rejected under 35 U.S.C. 102(e).

Claim Rejections – 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claim 2 above, and further in view of Anderlind, et al., (US 6,781,972 B1), hereinafter referred as Anderlind.

- a. In addition to claim 2, Smith shows (column 11, line 33-37) any recipients of system messages that are not profiled will receive e-mail by default, with a reminder to set up their profile to take full advantage of the communications, scheduling and priority extensions to enhance their business productivity. Smith does not show the one or more profiles relating to an active profile and a default profile configurable by the user.
- b. Anderlind shows active (column 7, line 60-63) and default profile (column 8, line 21-23) is configurable by the user in an analogous art for the purpose of allowing a mobile station user to select and configure its own profiles for processing received data message.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make the receiving e-mail as the default profile if

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no other profile applicable to the current time and the profile applicable to the current time as the active profile.

- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to name "the receiving e-mail as the default" as the default profile and the profile applicable to the current time as the active profile.

Together Smith and Anderlind disclosed all limitations of claim 3. Claim 3 is rejected under 35 U.S.C. 103(a).

9. Claims 6, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claims 1, 4 and 19 above, and further in view of Wright, et al., (US 6,078,568 A), hereinafter referred as Wright.

- a. Smith shows (claim 1 per paragraph 4, item a) a user interface to manage electronic messages, comprising: a display providing one or more display objects associated with delivery of one or more messages, the messages being automatically classified according to a respective priority value; and one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user (Figs. 4 and 20-22; column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles), in addition to claim 4, (column 9, line 18-24) selecting a schedule and location where messages would be received

and (claim 19 per paragraph 4, item g) further comprising one or more device options relating to how messages are displayed on a device (column 6, line 42-44). Smith does not show the delivery options including chunking options, the chunking options comprise at least one of holding and delivering messages until a predetermined time specified by the user, holding and delivering messages until a predetermined number of messages have accumulated, and holding and delivering messages based upon a predetermined inactivity of a computer; the one or more display objects including a reset of the amount of messages sent to the device; the one or more device options further comprising limiting a number of messages sent, limiting the number of characters in the messages, and automatically resetting the number of messages sent.

- b. Wright shows the system of claim 4, the delivery options including chunking options, the chunking options comprise at least one of holding and delivering messages until a predetermined time specified by the user, holding and delivering messages until a predetermined number of messages have accumulated (column 27, line 26-34: wait for a predetermined number of data packets to be queued or for an implementation specific time), and holding and delivering messages based upon a predetermined inactivity of a computer (column 27, line 26-34: the subscriber MAC layer is only permitted to add additional data packets to the transmission queue while in the idle state); the one or more display objects including a reset of the amount of messages sent

to the device (column 27, line 26-34: Prior to exiting from the idle state (1), the subscriber MAC layer shall set a state variable of the No.sub.-- Tx.sub.-- Attempts to zero); the one or more device options further comprising limiting a number of messages sent (column 13, line 13-18), limiting the number of characters in the messages (column 10, line 2-6), and automatically resetting the number of messages sent in an analogous art for the purpose of transmitting data packets over radio network using carrier sense multiple access (CSMA).

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to utilize Wright's packet transmitting technique in delivering e-mails to devices over either a radio network or other MCA/CSMA based system.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to schedule the message delivery to a device, e.g. mobile or across LAN, according to device's access control capability, including message compaction, message delivery collision back off, message delivery in background, and limiting the amount of message and the size of message to be delivery.

Together Smith and Wright disclosed all limitations of claims 6, 13 and 21. Claims 6, 13 and 21 are rejected under 35 U.S.C. 103(a).

- 10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claim 2

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above, and further in view of Cooper, et al., (US 6,757,362 A), hereinafter referred as Cooper.

- a. In addition to claim 2, Smith shows "Priority levels are selected based on the importance of communications information to be received". Smith does not show the one or more profiles have an associated priority setting such that messages are transmitted based upon a threshold configurable by the user and the priority setting associated with a display object having a slider to adjust the threshold, the threshold having a range from high priority messages sent to all messages sent to a mobile device.
- b. Cooper shows the one or more profiles have an associated priority setting such that messages are transmitted based upon a threshold configurable by the user and the priority setting associated with a display object having a slider to adjust the threshold, the threshold having a range from high priority messages sent to all messages sent to a mobile device (column 43, line 25-29: To change the tempo of the VA, the slider dragged to the desired position. For example, a user would set the tempo to slow when first learning how to use the VA, and after becoming more familiar with the VA, the tempo could be set to fast) in an analogous art for the purpose of assigning a tempo threshold for virtual assistant to recognize a command via a user voice input.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use Copper's slider in Smith's Profile Manager to specify the priority level threshold for each profile.

- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to use a slider per standard window user interface capability in addition to the Smith's Profile Manager menu in specifying the priority threshold.

Together Smith and Cooper disclosed all limitations of claims 7-8. Claims 7-8 are rejected under 35 U.S.C. 103(a).

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claim 1 above, and further in view of Matthew Marx (CLUES: Dynamic Personalized Message Filtering), hereinafter referred as Marx.

- a. In addition to claim 1, Smith shows (column 9, line 62-67) a response view summarizing response messages. Smith does not show priority learning.
- b. Marx shows gathering the status information associated with an amount of learning that has been achieved by a priorities system (page 114, left column, last paragraph-right column first paragraph) in an analogous art for the purpose of dynamic personalized message filtering.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Marx's personalized message filtering feature with Smith's message delivery management system.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to enhance the priority based message

delivery system with a user message examination feedback feature in the priority assignment, including an ability to view the feedback learning status.

Together Smith and Marx disclosed all limitations of claim 11. Claim 11 is rejected under 35 U.S.C. 103(a).

12. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claims 1 and 19 above, and further in view of Eggleston et al. (US 6101531 A), hereinafter referred as Eggleston.

- a. Per paragraph 4, items a and g, Smith shows a user interface to manage electronic messages, comprising: a display providing one or more display objects associated with delivery of one or more messages, the messages being automatically classified according to a respective priority value; and one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user (Figs. 4 and 20-22; column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles) and further comprising one or more device options relating to how messages are displayed on a device (column 6, line 42-44). Smith also shows (column 9, line 62-67) a response view summarizing response messages. Smith does not show sending a message summary to a device; and the one or more device options further comprising

a selectable compression setting to control the amount of information displayed.

- b. Eggleston shows the one or more display objects selectable to send a summary of information to a device associated with the one or more messages (column 3, line 21-39); the one or more device options further comprising a selectable compression setting to control the amount of information displayed (column 11, line 67-column 12, line 7) in an analogous art for the purpose of sending messages to a wireless client.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Eggleston's sending message summary feature and message compressing feature with Smith's message delivery management system.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to notify a device of possible messages to be delivered and allow a selection of message to be viewed on a device and compress the message for delivery to a low bandwidth device.

Together Smith and Eggleston disclosed all limitations of claims 12 and 20. Claims 12 and 20 are rejected under 35 U.S.C. 103(a).

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claim 1 above, and further in view of Jonathan Isaac Helfman et al. (Ishmail: Immediate Identification of Important Information), hereinafter referred as Helfman.

- a. As per paragraph 4, item a, Smith shows a user interface to manage electronic messages, comprising: a display providing one or more display objects associated with delivery of one or more messages, the messages being automatically classified according to a respective priority value; and one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user (Figs. 4 and 20-22; column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles). Smith does not show the one or more display objects comprising one or more rules configurable by the user to effect delivery of the messages to a device, the one or more rules including selection options of at least one of sending messages based on importance, sending messages based on the user's name and a TO field, sending messages based on the user's name and a CC field, and sending messages based on a source of the message.
- b. Helfman shows the one or more display objects comprising one or more rules configurable by the user to effect delivery of the messages to a device (page 5, right column, paragraph 5; page 2, left column, 3rd paragraph), the one or more rules including selection options of at least one of sending messages based on importance, sending messages based on the user's name and a TO field (page 6, left column, 3rd paragraph), sending messages based on the user's name and a CC field (page 6, left column, 3rd paragraph), and sending

messages based on a source of the message (page 6, left column, 3rd paragraph) in an analogous art for the purpose of identifying important messages.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Smith profile management with Helfman's rule in delivering specific messages to a specific device.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to allow the filtering of message delivery to a specific device (location) based upon the role, identification and origination of message.

Together Smith and Helfman disclosed all limitations of claim 14. Claim 14 is rejected under 35 U.S.C. 103(a).

14. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith, as applied to claim 1 above, and further in view of Jonathan Isaac Abu-Hakima (US 6499021 B1), hereinafter referred as Abu-Hakima.

- a. As per paragraph 4, item a, Smith shows a user interface to manage electronic messages, comprising: a display providing one or more display objects associated with delivery of one or more messages, the messages being automatically classified according to a respective priority value; and one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user (Figs. 4 and 20-22;

column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles). Smith does not show further comprising providing feedback to the user via the one or more display objects regarding learning associated with a priorities system, the feedback includes information relating to learning when messages are deleted by the user, the feedback includes information relating to where messages are learned from and further comprising at least one of back-up, restore, and reset options regarding the learning.

- b. Abu-Hakima shows further comprising providing feedback to the user via the one or more display objects regarding learning associated with a priorities system (column 11, line 19-25), the feedback includes information relating to learning when messages are deleted by the user (column 10, line 24-40), the feedback includes information relating to where messages are learned from (column 10, line 41-46) and further comprising at least one of back-up, restore, and reset options regarding the learning (column 10, line 41-64) in an analogous art for the purpose of intelligently managing electronic messages.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add Abu-Hakima automatic user knowledge and behavior learning system in further enhancing to Smith's message delivery management system.

- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to consider the dynamic user environment as an inference to the message delivery managing system.

Together Smith and Abu-Hakima disclosed all limitations of claims 15-18. Claims 15-18 are rejected under 35 U.S.C. 103(a).

15. Claims 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages), hereinafter referred as Losee, as applied to claim 23 above, and further in view of Eggleston et al. (US 6101531 A), hereinafter referred as Eggleston.

- a. As quoted from paragraph 5, item a, Losee shows a method associated with message delivery, comprising: generating a priority associated with a message (abstract); determining an expected loss of non-review of the message at a current time based on the priority; determining an expected cost of outputting the message at the current time; and alerting a user of the message in response to determining that the expected loss is greater than the expected cost (page 181, left column, last paragraph-page 181, right column, first paragraph). Losee does not show further comprising providing a current profile selected from one of a plurality of profiles, at least a portion of the plurality of profiles editable by the user to reflect a different context, the plurality of profiles is schedulable on a per-day and by-time basis, the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality in conjunction with one or more other messages,

and the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality when a specified period has expired; further comprising, prior to alerting the user, formatting the message, the formatting comprises compressing the message, and the formatting comprises fragmenting the message.

- b. Eggleston shows further comprising providing a current profile selected from one of a plurality of profiles, at least a portion of the plurality of profiles editable by the user to reflect a different context (column 5, line 49-54; column 8, line 23-26), the plurality of profiles is schedulable on a per-day and by-time basis (column 9, line 48-51), the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality in conjunction with one or more other messages (column 6, line 66-column 7, line 3) and the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality when a specified period has expired (column 7, line 28-37); further comprising, prior to alerting the user, formatting the message (column 11, line 67-column 12, line 7), the formatting comprises compressing the message (column 11, line 67-column 12, line 7) and the formatting comprises fragmenting the message (column 7, line 8-13: packetized) in an analogous art for the purpose of sending messages to a wireless client.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add Eggleston's communication server

functions, message formatting, compressing and packetization functions into Loose's Message Presentation System after the messages is ranked and alert is generated per claim 23.

- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine user-definable message filtering profile functions, message formatting and compression functions in packet data network together with email prioritization and management functions.

Together Losee and Eggleston disclosed all limitations of claims 27-33. Claims 27-33 are rejected under 35 U.S.C. 103(a).

16. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juha Takkinen (CAFE: A Conceptual Model for Managing Information in Electronic Mail), hereinafter referred as Takkinen, as applied to claim 41 above, and further in view of Jonathan Isaac Abu-Hakima (US 6499021 B1), hereinafter referred as Abu-Hakima.

- a. As quoted from paragraph 6, item a, Takkinen shows a method for delivering messages to a device, comprising: scheduling a period when one or more user profiles are activated (page 47, section 3: CAFE, busy, cool and curious modes); configuring at least one set of parameters for the one or more profiles (page 47, right column, line 41-45; page 52, section 6, 1st paragraph); assigning priority values to one or more messages (page 48, left column, 2nd paragraph: busy mode); and delivering the one or more messages based at least in part on the priority values, the profile that is activated, and the at least

one set of parameters (page 47, section 3: CAFE, busy, cool and curious modes). Takkinen does not show further comprising automatically calling the user if the priority value is above a predetermined threshold, further comprising converting audio messages into text and further comprising determining a priority for the messages based upon at least one of the pitch, rate, content, and inflection of the messages.

- b. Abu-Hakima shows further comprising automatically calling the user if the priority value is above a predetermined threshold (column 7, line 12-17), further comprising converting audio messages into text (column 9, line 40-65) and further comprising determining a priority for the messages based upon at least one of the pitch, rate, content, and inflection of the messages (column 9, line 40-65) in an analogous art for the purpose of intelligently managing electronic messages.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add Abu-Hakima's message forwarding and e-message media conversion agent to further integrate the voice mail into Takkinen's the Concept Model for Managing Information.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine the voice mail and email functions into a single unified messaging management system.

Together Takkinen and Abu-Hakima disclosed all limitations of claims 52-54. Claims 53-54 are rejected under 35 U.S.C. 103(a).

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17. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonathan Isaac Abu-Hakima (US 6499021 B1), hereinafter referred as Abu-Hakima, as applied to claim 64 above, and further in view of Wright, et al., (US 6,078,568 A), hereinafter referred as Wright.

- a. As quoted from paragraph 7, item a, Abu-Hakima shows a user interface for an adaptive prioritization and routing system, comprising: one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system (column 11, line 19-25); and a user interface associated with the one or more controls and displays that facilitates inspection, control and learning associated with alerting and routing prioritized messages (column 11, line 19-25); further comprising one or more configuration and adjustment options that include at least one of profile options, routing options, alerting options, chunking options, schedule options, and context-sensitive control options (column 8, line 36-48). Abu-Hakima does not show the chunking options include grouping M messages, M being an integer, the M messages are held as a group before delivery of the messages to the user.
- b. Wright shows the chunking options include grouping M messages, M being an integer, the M messages are held as a group before delivery of the messages to the user (column 27, line 26-34: wait for a predetermined number of data packets to be queued or for an implementation specific time)

in an analogous art for transmitting data packets over radio network using carrier sense multiple access (CSMA).

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add utilize Wright's packet transmitting technique in Abu-Hakima's message forwarding control to a device.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to schedule the message delivery to a device, e.g. mobile or across LAN, according to device's access control capability, including holding a number of messages to be deliver once.

Together Abu-Hakima and Wright disclosed all limitations of claim 65. Claim 65 is rejected under 35 U.S.C. 103(a).

18. Claims 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonathan Isaac Abu-Hakima (US 6499021 B1), hereinafter referred as Abu-Hakima, as applied to claim 64 above, and further in view of Eggleston et al. (US 6101531 A), hereinafter referred as Eggleston.

- a. As quoted from paragraph 7, item a, Abu-Hakima shows a user interface for an adaptive prioritization and routing system, comprising: one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system (column 11, line 19-25); and a user interface associated with the one or more controls and displays that facilitates inspection, control and learning associated with alerting and routing prioritized

messages (column 11, line 19-25). Abu-Hakima does not show further comprising a threshold adjustment that is employed as a bound on the total dollars allotted for forwarding messages to a user and the user specifies that a system sends the most urgent messages, but at a certain cost per message by a routing company, adjust the threshold so that it would expect to stay within a certain cost per day.

- b. Eggleston shows further comprising a threshold adjustment that is employed as a bound on the total dollars allotted for forwarding messages to a user (column 3, line 62-67), the user specifies that a system sends the most urgent messages, but at a certain cost per message by a routing company, adjust the threshold so that it would expect to stay within a certain cost per day (column 3, line 62-67) in an analogous art for transmitting data packets over radio network.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add Wright's message usage control in Abu-Hakima's message forwarding to a device function.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to enhance a message delivery management system with usage and charge control function.

Together Abu-Hakima and Eggleston disclosed all limitations of claims 72 and 73.

Claims 72 and 73 are rejected under 35 U.S.C. 103(a).

Conclusion

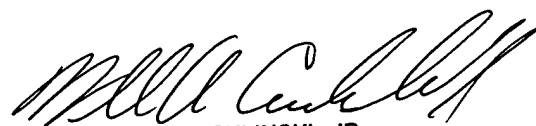
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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